

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Eugene Erick Fort,

Petitioner,

v.

Civil No. 14-993 (JNE/TNL)
ORDER

Michelle Smith,

Respondent.

This matter is before the Court on a Report and Recommendation issued by the Honorable Tony N. Leung, United States Magistrate Judge, on November 21, 2014. No objection to the Report and Recommendation has been made. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation [Docket No. 8].

Therefore, IT IS ORDERED THAT:

1. Petitioner's motion to stay [Docket No. 4] is DENIED as moot.
2. The action is DISMISSED without prejudice.
3. A certificate of appealability is DENIED.

LET THE JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 8, 2015

s/Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge